

United States District Court

FILED
At Albuquerque NM

NOV 13 2008

DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

V.

Hermino BENAVIDEZ

CRIMINAL COMPLAINT

CASE NUMBER:

08-MJ-2668

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or October 1, 2008 in San Miguel County, in the

District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

Possess With Intent to Distribute 50 grams and more of base Cocaine

in violation of Title 21 United States Code, 841 (a)(1), (b)(1)(A)

I further state that I am a(n) Special Agent and that this complaint is based on the following
Official Title

facts:

*** See Attached Affidavit***

Continued on the attached sheet and made a part

☒ Yes ☐ No

S/A Kevin Garver

Signature of Complainant

Sworn to before me, and subscribed in my presence,

NOV 13 2008

Date

LORENZO F. GARCIA

Chief United States Magistrate Judge

Name and Title of Judicial Officer

at Albuquerque, New Mexico
City and State

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

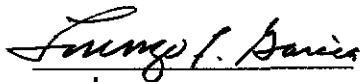
I, Kevin Garver, being duly sworn as a DEA Special Agent do hereby depose and swear as follows:

This affidavit is made in support of a criminal complaint being filed against Hermino BENAVIDEZ charging him with violating Title 21 USC 841 (a)(1),(b)(1)(A) to wit: Defendant did and knowingly or intentionally possess with intent to distribute more than 50 grams or more of base cocaine.

On 10-01-2008, a New Mexico Search Warrant was executed at 510 Alamo Street, Las Vegas, New Mexico, known residence of Leera and Hermino BENAVIDEZ. The search resulted in the seizure of numerous drug and non-drug evidence. 101.1 ggms of suspected crack cocaine, was seized by Region 4 Task Force Officer Martin Salazar from a sports bag side pocket located in Hermino BENAVIDEZS' bedroom. 37.2 ggms of suspected crack cocaine, was seized by Region 4 Task Force Officer Eric Padilla located on a TV stand in Hermino BENAVIDEZS' bedroom. Documents with the name "Ernie" and "Hermino" BENAVIDEZ were seized from Hermino's bedroom showing him residing at 510 Alamo Street, Las Vegas, New Mexico. Region 4 Task Force Officer Martin Salazar read Hermino BENAVIDEZ his Miranda Rights. Hermino BENAVIDEZ agreed to answer questions. Region 4 Task Force Officers conducted an interview of Hermino BENAVIDEZ who stated all the crack cocaine seized from the house was his. Hermino BENAVIDEZ further stated he was selling crack cocaine from his residence to drug users. Both drug exhibits were field tested which resulted positive for the presence of cocaine.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint. I have not set forth each and every fact learned during the course of this investigation on the above affidavit.

United States Magistrate


11/13/08

Special Agent Kevin Garver

